REMARKS

Claims 3, 5, and 7-15 are pending in this Application. Claims 1 and 2 are previously cancelled without prejudice. Claims 4 and 6 are cancelled herein without prejudice. Claims 3 and 5 are currently amended. Claims 12-15 are new. Claims 5, 7-10 and 13 are the independent claims.

Allowable Subject Matter:

The Office Action dated October 10, 2007, indicated that Claims 3, 4, and 6 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. See, Office Action, page 3.

Applicant respectfully traverses the grounds for rejection of the base claims, but in the interest of furthering prosecution, has amended Claims 3, 4, and 6 consistent with the indications in the Office Action. Applicant consolidated the elements of Claims 4 and 5 into amended Claim 5.

Applicant notes that Claim 5 was not independently allowable, and Applicant reasonably believed that the following feature was severable into a dependent claim. The feature from old Claim 5, which is now in dependent claims 12 and 15, specifies the following: "wherein the television receiver uses a video IF frequency of 45.75 MHz, and a video RF frequency of 91.25 MHz in the channel in which interference occurs." Applicant also notes that the same feature is repeated in new claims 15 as depending from new claim 13.

Applicant consolidated old Claims 5 and 6, without the noted feature from claim 5, into new Claim 13. Accordingly, the dependency of Claim 3 was changed from Claim 6 to Claim 13.

Applicant has made these Amendments in good faith according to the understanding of the Office Action. Accordingly, Applicant respectfully submits that Claims 3, 5, 12, 13, and 15

7

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are allowable as being amended to incorporate the allowable subject matter as indicated by the Office Action.

Claims Rejections of Claims 5 and 7-10 Under 35 U.S.C. 102(b):

Claims 5 and 7-10 were rejected under 35 U.S.C. 102(b) as being anticipated by Rzeszewski, et al. (U.S. Patent 4,041,535) [hereinafter "Rzeszewski"]. Applicant respectfully traverses these rejections.

Claim 5 has been amended to include the limitations of Claim 4 according to the indications in the Office Action and it is believed to be in allowable form. Accordingly, arguments regarding the prior art rejection of Claim 5 are believed to be moot.

Applicant initially observes that to anticipate a claim, a reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of Calif.*, 814 F.3d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). See, also, MPEP § 2131.

Applicant respectfully submits that Rzeszewski fails to teach or suggest the claimed element of shifting a frequency in a reference signal. This element is specified in all claims.

Rzeszewski does not teach or suggest the feature of shifting the predetermined frequency of the reference signal. Rzeszewski expressly teaches the opposite, specifying: "A fixed-frequency, stable, reference oscillator 41 is coupled to the input of the frequency divider 40; so that the output signal of the divider 40 is a stable reference frequency used to maintain tuning of the receiver to the selected channel." See, Rzeszewski, col. 4, lines 35-39.

The importance that the reference frequency remain stable is stated later in Rzeszewski as follows: "The tuning accuracy of the system is a function of the stability of the crystal-

controlled reference oscillator 41." See, Rzeszewski, col. 6, lines 14-16. Therefore, Rzeszewski, does not teach or suggest a shifting reference frequency, Rzeszewski teaches that the system requires a "fixed" and "stable" reference frequency.

Further, Rzeszewski, teaches away from the use of a shifting reference frequency. Rzeszewski teaches that instability, i.e., shifting, of the reference signal makes the invention inaccurate. See, Rzeszewski, col. 6, lines 14-16.

Finally, it would not have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Rzeszewski because to do so would have rendered the invention less accurate or inoperable. Again, See, Rzeszewski, col. 4, lines 35-39, and col. 6, lines 14-16.

Regarding New Claims 12, 14, and 15:

Applicant respectfully submits that new Claim 12 is allowable at least based on the allowability of the independent claim 4 from which it depends.

Applicant respectfully submits that new Claims 14 and 15 are allowable at least based on the allowability of the independent claim 13 from which they depend.

Therefore, Applicant respectfully submits that the present invention is patentable over the cited prior art reference, Rzeszewski.

Conclusion

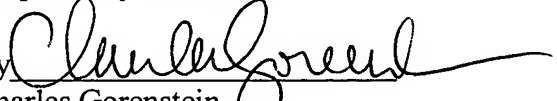In view of the above amendment and arguments, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charles Gorenstein Reg. No. 29,271 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: January 9, 2008

Respectfully submitted,

By

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